

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Bernadette A. Myers
Debtor(s)

Bankruptcy Case No.: 19-11212-TPA
Per Proceeding Held June 16, 2020
Chapter: 13
Docket No.: 31 – 16
Concil. Conf.: 8/4/20 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 3, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 8/4/20 at 01:30 PM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: CU Members Mortgage (Claim No. 6) and Widget Financial (Claim No. 8), payment determine by Trustee .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: June 30, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Bernadette A. Myers
 Debtor

Case No. 19-11212-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 42

Date Rcvd: Jun 30, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 02, 2020.

db
 15168223 +Bernadette A. Myers, 211 Lowry Road, Erie, PA 16511-1326
 15168224 +AR Resources, Inc., Pob 1056, Blue Bell, PA 19422-0287
 15168222 +AR Resources, Inc., Attn: Bankruptcy, Po Box 1056, Blue Bell, PA 19422-0287
 15168222 Apothaker Scian P.C., 520 Fellowship Rd., Suite C306, PO Box 5496,
 Mount Laurel, NJ 08054-5496
 15168225 ++CAINE & WEINER COMPANY, 12005 FORD ROAD 300, DALLAS TX 75234-7262
 (address filed with court: Caine & Weiner, Po Box 55848, Sherman Oaks, CA 91413)
 15168226 +Caine & Weiner, Attn: Bankruptcy, 5805 Sepulveda Blvd, Sherman Oaks, CA 91411-2546
 15168232 Citibank North America, Citibank SD MC 425, 5800 South Corp Place, Sioux Falls, SD 57108
 15168231 +Citibank North America, Po Box 6497, Sioux Falls, SD 57117-6497
 15196363 Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
 15168233 +Citibank/The Home Depot, Po Box 6497, Sioux Falls, SD 57117-6497
 15168234 +Citibank/The Home Depot, Attn: Recovery/Centralized Bankruptcy, Po Box 790034,
 St Louis, MO 63179-0034
 15168241 +First Federal Credit Control, 24700 Chagrin Blvd, Cleveland, OH 44122-5662
 15168242 +First Federal Credit Control, Attn: Bankruptcy, 24700 Chagrin Blvd, Ste 205,
 Cleveland, OH 44122-5662
 15183621 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100,
 Boca Raton, FL 33487-2853
 15183599 +PCA Acquisition V, LLC c/o, Phillips & Cohen Associates, LTD, 1002 Justison Street,
 Wilmington DE 19801-5148
 15168243 +PCA Acquisitions V, LLC, 1002 Justison Street, Wilmington, DE 19801-5148
 15168244 +Pnc Bank, Po Box 3180, Pittsburgh, PA 15230-3180
 15168245 +Pnc Bank, Attn: Bankruptcy Department, Po Box 94982: Ms: Br-Yb58-01-5,
 Cleveland, OH 44101-4982
 15189755 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15189647 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 01 2020 06:22:40
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15168235 +E-mail/Text: bankruptcydesk@colonialsavings.com Jul 01 2020 06:09:09 Colonial Savings & Loa,
 P O Box 2988, Fort Worth, TX 76113-2988
 15168236 +E-mail/Text: bankruptcydesk@colonialsavings.com Jul 01 2020 06:09:09 Colonial Savings & Loa,
 Attn Bankruptcy, Po Box 2988, Fort Worth, TX 76113-2988
 15185525 +E-mail/Text: bankruptcydesk@colonialsavings.com Jul 01 2020 06:09:09
 Colonial Savings Mortgage Services, P.O. Box 2988, Fort Worth, TX 76113-2988
 15168238 E-mail/Text: mrdiscen@discover.com Jul 01 2020 06:07:12 Discover Financial,
 Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850
 15168237 E-mail/Text: mrdiscen@discover.com Jul 01 2020 06:07:12 Discover Financial, Pob 15316,
 Wilmington, DE 19850
 15184559 E-mail/Text: G06041@att.com Jul 01 2020 06:09:09 Directv, LLC,
 by American InfoSource as agent, PO Box 5008, Carol Stream, IL 60197-5008
 15170232 E-mail/Text: mrdiscen@discover.com Jul 01 2020 06:07:12 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15168239 +E-mail/Text: bknotice@ercbpo.com Jul 01 2020 06:08:40 Enhanced Recovery Corp,
 Po Box 57547, Jacksonville, FL 32241-7547
 15168240 +E-mail/Text: bknotice@ercbpo.com Jul 01 2020 06:08:40 Enhanced Recovery Corp,
 Attn: Bankruptcy, 8014 Bayberry Road, Jacksonville, FL 32256-7412
 15168227 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jul 01 2020 06:20:26 Chase Card Services,
 Po Box 15369, Wilmington, DE 19850
 15168229 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jul 01 2020 06:20:26 Chase Card Services,
 Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
 15199731 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 01 2020 06:20:34
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15168246 +E-mail/PDF: gecsedirecoverycorp.com Jul 01 2020 06:22:37 Synch/PPC, Po Box 965005,
 Orlando, FL 32896-5005
 15168247 +E-mail/PDF: gecsedirecoverycorp.com Jul 01 2020 06:22:39 Synch/PPC, Attn: Bankruptcy,
 Po Box 965060, Orlando, FL 32896-5060
 15168467 +E-mail/PDF: gecsedirecoverycorp.com Jul 01 2020 06:20:19 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15197593 +E-mail/PDF: gecsedirecoverycorp.com Jul 01 2020 06:20:40 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
 15168249 +E-mail/PDF: gecsedirecoverycorp.com Jul 01 2020 06:21:18 Synchrony Bank/Amazon,
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
 15168248 +E-mail/PDF: gecsedirecoverycorp.com Jul 01 2020 06:20:22 Synchrony Bank/Amazon,
 Po Box 965015, Orlando, FL 32896-5015
 15193424 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 01 2020 06:33:36 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
 15188100 +E-mail/Text: collections@widgetfinancial.com Jul 01 2020 06:08:32
 Widget Federal Credit Union, 2154 E. Lake Rd., Erie, PA 16511-1140
 15168250 +E-mail/Text: collections@widgetfinancial.com Jul 01 2020 06:08:32 Widget Financial,
 2154 E Lake Rd, Erie, PA 16511-1140

District/off: 0315-1

User: vson
Form ID: 149

Page 2 of 2
Total Noticed: 42

Date Rcvd: Jun 30, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr Cu Members Mortgage, a division of Colonial Saving
15168230* ++JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,
MONROE LA 71203-4774
(address filed with court: Chase Card Services, Attn: Bankruptcy, Po Box 15298,
Wilmington, DE 19850)
15168228* ++JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01,
MONROE LA 71203-4774
(address filed with court: Chase Card Services, Po Box 15369, Wilmington, DE 19850)
15168251* +Widget Financial, 2154 E Lake Rd, Erie, PA 16511-1140

TOTALS: 1, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 02, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on June 30, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Cu Members Mortgage, a division of Colonial Savings,
F.A. bkgroup@kmlawgroup.com
Kenneth M. Steinberg on behalf of Debtor Bernadette A. Myers julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;lesl
ie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@stei
dl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4